

Supreme Court Summaries

Opinion filed February 19, 2016

People v. Ligon, 2016 IL 118023

Appellate citation: 2014 IL App (1st) 120913

JUSTICE KARMEIER delivered the judgment of the court, with opinion.

Chief Justice Garman and Justices Freeman, Thomas, Kilbride, Burke, and Theis concurred in the judgment and opinion.

On December 16, 2000, Dennis Ligon was armed with a BB gun when he approached a woman as she was getting out of her pickup truck and took the vehicle from her. At his 2003 trial, she testified that he pushed “a gun” into her side and threatened to kill her. She also identified both the defendant and the gun. A Cook County jury found him guilty of the Class X felony of aggravated vehicular hijacking with a dangerous weapon other than a firearm. The State successfully petitioned to have the defendant adjudged and sentenced under the Habitual Criminal Act because this was his third conviction for a Class X offense. A mandatory term of natural life was imposed. Ligon was not successful either in his direct appeal, or in his subsequent *habeas corpus* and *pro se* postconviction petitions. Then, in 2012, he sought relief under the Code of Civil Procedure by filing the section 2-1401 petition for relief from judgment which is at issue here. He claimed for the first time that his sentence was invalid as unconstitutionally disproportionate under the identical elements test. He theorized that elements identical to those of the offense for which he was convicted were also elements of the Class 1 offense of armed violence predicated on vehicular hijacking with a dangerous weapon, for which the legislature had provided a lesser penalty. As for offenses committed after a statutory amendment enacted in 2007, this identical elements question is no longer at issue.

The trial court dismissed the petition, but the appellate court reversed, vacating the life sentence and remanding for imposition of a lesser sentence as a Class 1 offender under the armed violence statute. With this, the Illinois Supreme Court did not agree. The defendant’s earlier adjudication as an habitual criminal has no effect on this determination.

The supreme court noted that, if the legislature determines that offenses with the exact same elements merit two different penalties, then one of those penalties has not been determined in accordance with the seriousness of the offense and is constitutionally invalid. Only the lesser penalty can stand. The indictment here charged that Ligon “knowingly took a motor vehicle, a 2000 Ford, from the person or immediate presence of [the woman] by the use of force or by threatening the imminent use of force and [the defendant] was armed with a dangerous weapon, to wit: a bludgeon.” The supreme court noted that it is irrelevant for the issue here that the indictment used the term bludgeon, rather than a BB gun, since it has been held that the two are interchangeable for purposes of the statute under which Ligon

was indicted.

The term “dangerous weapon” has a broad definition derived from the common law, and a BB gun has been held to fit into this category as an object that is used, or may be used, in a dangerous manner. In contrast, the dangerous-weapons categories of the armed violence statute are defined by that statute, and are limited to the weapons named therein. Many objects can qualify as dangerous weapons for purposes of aggravated vehicular hijacking, but not as to armed violence. The supreme court held here that, at the time the defendant committed this offense, the elements of the two offenses which he sought to compare were not identical.

The appellate court erred in finding a proportionate penalties violation under the Illinois Constitution and in reversing the circuit court’s denial of the section 2-1401 petition. Thus, the conviction and life sentence originally entered by the circuit court in 2003 can stand.